IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

FIRST APPEAL NO. 486 OF 1990

Shaikh Ahmed Shaikh Mohamed.).. Appellant.

Versus

1) Maharashtra State Road)
Transport Corporation,Bombay.)
2) Nabi Chand Shaikh)
3) Rambilas Jagannathji Bajaj.)
4) The New India Assurance Co.)
Ltd., Solapur. ....)... Respondents.

Mr. D. Lonkar with Mr. S.D.Thokade for Appellant.
Mr. K.M.Lokesh with Mr.G.S.Hegde for Respondents.

CORAM : ANOOP V. MOHTA, J.

DATED : 13TH DECEMBER, 2005.

P. C.:

This is an appeal filed by the appellant / original petitioner whereby challenge has been made to the order dated 6th October, 1987 passed by the Motor Accident Claims Tribunal, Solapur (for short "Tribunal") in Motor Accident Claims Petition No.3 of 1985 and basically prayed for an enhancement

of
compensation on the ground that the petitioner had suffered permanent disability in the accident in question. Heard learned advocate for both the parties. Perused the record.

2. The appellant is unable to point out any material on the record to justify his case of permanent disability. We have gone through the record and there is nothing which can be borne out from the record that he was permanently disabled as contended.

3. Reliance on the Apex Court decision in **Dr. K. G. Poovaiah v/s General Manager / Managing Director, Karnataka State Road Transport Corporation** ((2001) 9 SCC 167) in no way supports the case of the appellant as the facts of that case are totally distinct and distinguishable as in that case the Apex Court has considered the permanent disability of the claimant. Based on the material available on the record, the Apex court has passed the order and granted multiplier as prayed therein. In the present case in absence of material, no relief whatsoever can be granted to the appellant.

4. The reasoning given by the court, therefore, cannot be said to be perverse or unreasonable and/or contrary to the record. Having taken note of above, I am of the view that there is no case made out by the appellant to interfere with the order passed by the Tribunal. The compensation as awarded in the facts and circumstances is just, fair and reasonable.

5. In the result, the appeal is dismissed. There shall be no order as to costs.

Sd/-

(ANOOP V. MOHTA, J.)